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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,079	09/09/2003	David Alexander	IMMR023/03US	9176

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EXAMINER
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STOICA, MARIA

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/657,079

Applicant(s)

ALEXANDER ET AL.

Examiner

Maria Stoica

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-24, 26-28, 30, 31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24, 26-28, 30, 31 and 33 is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. The amendment to claim 12 has been entered. Claims 12-24, 26-28, 30-31, and 33 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Tsuchihashi et al (US Patent No. 4,955,654). Tsuchihashi discloses an apparatus with a capture mechanism configured to engage a user manipulable peripheral device physically contacted by a user (Col 3, lines 44-51; Col 4, lines 39-41), a sensing assembly configured to detect movement of the peripheral device when engaged by the capture mechanism (Fig 6, item 607), a dimension-adjusting mechanism configured to move parallel to a direction of movement of the peripheral device when engaged by the capture mechanism (Col 3, line 56 - Col 4, line 12), and an actuator configured to apply force feedback to the peripheral device when engaged by the capture mechanism, the force feedback being based on control signals associated with the detected movement of the peripheral device (Col 5, lines 2-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchihashi et al in view of Rosenberg et al (US Patent No. 5,805,140).

Regarding claim 13, Tsuchihashi et al discloses an apparatus and method for a dimension-adjusting mechanism to capture and adjust automatically when manipulating a peripheral device. Tsuchihashi et al does not specifically disclose that the apparatus is configured to adjust in response to a movement of a peripheral device. Rosenberg et al teaches an apparatus wherein the dimension-adjustment mechanism is configured to automatically adjust dimensions of a coupling mechanism in response to a movement of the peripheral device, the coupling mechanism being configured to couple the peripheral device when engaged by the capture mechanism to the sensor assembly (Col 6, lines 25-34). Therefore, it would have been obvious to one of ordinary skill in the art to provide an apparatus and method for a dimension-adjusting mechanism to capture and adjust automatically when manipulating a peripheral device as disclosed by Tsuchihashi et al where the dimension-adjustment mechanism is configured to automatically adjust dimensions of a coupling mechanism in response to a movement of

the peripheral device as taught by Rosenberg et al for the purposes of providing a completely automated system for peripheral manipulation.

Regarding claim 14, Tsuchihashi et al discloses an apparatus and method for a dimension-adjusting mechanism to capture and adjust automatically when manipulating a peripheral device. Tsuchihashi et al does not specifically disclose that the apparatus includes an outer tubular-member and an inner-tubular member at least partially disposed within the outer-tubular member for adjusting the capture mechanism and the inner tubular-member being coupled to the sensing assembly at a distal end of the inner tubular-member. Rosenberg et al teaches an apparatus with a dimension-adjusting capture mechanism including an outer tubular-member and an inner-tubular member at least partially disposed within the outer-tubular member for adjusting the capture mechanism and the inner tubular-member being coupled to the sensing assembly at a distal end of the inner tubular-member (Fig 6). Therefore, it would have been obvious to one of ordinary skill in the art to provide an apparatus and method for a dimension-adjusting mechanism to capture and adjust automatically when manipulating a peripheral device as disclosed by Tsushihashi et al with a dimension-adjusting capture mechanism including an outer tubular-member and an inner-tubular member at least partially disposed within the outer-tubular member for adjusting the capture mechanism and the inner tubular-member being coupled to the sensing assembly at a distal end of the inner tubular-member as taught by Rosenberg et al for the purposes of extending the reach of the existing apparatus when coupling to a peripheral device.

4. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsushihashi et al in view of Rosenberg et al in further view of Bailey (US 6,062,865). Tsushihashi et al/Rosenberg et al does not specifically disclose an apparatus comprising a first and second pulley, a belt disposed about the first and the second pulley, a trolley configured to move along a guide rail in response to a corresponding movement of the peripheral device when engaged by the capture mechanism (claims 15-18), a rotation-motion sensor to measure rotation of the peripheral device and a translational-motion device to measure translational-motion when engaged by the capture mechanism (claims 16-18), the translational-motion sensor being coupled to the first pulley (claim 17), or an actuator coupled to a second pulley with the actuator being configured to apply force-feedback by controlling a rotation of the second pulley (claim 18). However, Bailey teaches an apparatus comprising a first and second pulley, a belt disposed about the first and the second pulley, a trolley configured to move along a guide rail in response to a corresponding movement of the peripheral device when engaged by the capture mechanism (Fig 2), a rotation-motion sensor to measure rotation of the peripheral device and a translational-motion device to measure translational-motion when engaged by the capture mechanism (Fig 2), the translational-motion sensor being coupled to the first pulley (Fig 3), or an actuator coupled to a second pulley with the actuator being configured to apply force-feedback by controlling a rotation of the second pulley (Figs 2 and 3). Therefore, it would have been obvious to one of ordinary skill in the art to provide an apparatus with a capture mechanism configured to engage a peripheral device with a sensing assembly configured to detect movement of the

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peripheral device when engaged by the capture mechanism as disclosed by Tsushihashi et al/Rosenberg et al with a first and second pulley, a belt disposed about the first and the second pulley, a trolley configured to move along a guide rail in response to a corresponding movement of the peripheral device when engaged by the capture mechanism, a rotation-motion sensor to measure rotation of the peripheral device and a translational-motion device to measure translational-motion when engaged by the capture mechanism, the translational-motion sensor being coupled to the first pulley, or an actuator coupled to a second pulley with the actuator being configured to apply force-feedback by controlling a rotation of the second pulley for the purposes of providing a training simulator with all elements of actual operating conditions without requiring a live patient.

***Allowable Subject Matter***

5. Claims 19-24, 26-28, 30-31, and 33 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 19-24, the prior art of record does not teach expanding bellows in response to the movement of a carriage assembly in a method comprising engaging a peripheral device and adjusting the dimension of a coupling mechanism in response to movement of the peripheral device.

Regarding claims 26-28, the prior art of record does not teach a carriage assembly coupled to bellows in an apparatus with a capture mechanism, a sensing assembly, and a dimension-adjusting mechanism.

Regarding claims 30-31 and 33, the prior art of record does not teach or suggest a medical simulation device and method in which a bellows having a plurality of leaves is configured to support a peripheral device and used to assist in the stabilization of said peripheral device during movement of the peripheral device.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 12-18 have been fully considered but are not persuasive.

In response to applicant's arguments, the recitation "for use in a simulated medical procedure" of claim 12 has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Stoica whose telephone number is (571) 272-5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
**KATHLEEN MOSSER**  
**PRIMARY EXAMINER**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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